

Report of Chief Officer – Housing and Resources

Report to Director of Adults & Health

Date: 21st August 2019

Subject: Authority to procure a contract for the delivery of public health funeral services

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- This report seeks permission to tender for and award a new contract for the provision of Public Health funerals not exceeding £100k per annum on a 3 year contract with the option to extend a further 2 years.
- It allows the time to follow a procurement exercise whilst the current contract is nearing the end.
- It identifies the contract value and the potential number of funerals per annum.
- By agreeing this procurement approval, Adults and Health will benefit in the following way:
 - Leeds City Council has a legal duty under section 46 of the Public Health (Control of Disease) Act 1984 to “cause to be buried or cremated the body of any person who has died or been found dead in our area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority”.

- The procurement exercise will enable us to offer Best Value, quality, efficiency and consistency whilst meeting our legal duty under section 46 of the Public Health (Control of Disease) Act 1984.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

Whilst not contributing directly to the Best Council Plan, the local authority has a statutory duty to control and prevent the spread of disease by arranging funerals in cases where no alternative arrangements have been or are being made.

3. Resource Implications

- The finance for this contract is contained within the Adults and Health budget.
- Reimbursement for the cost of funerals are sought from a deceased persons' estate, in accordance with section 46(5) of the Public Health (Control of Disease) Act 1984. In 2018/19 45 Public Health Funerals took place in Leeds and of these an average of 36% of the costs were recovered.

Recommendations

- a) The Director of Adults and Health is recommended to approve a procurement exercise to tender for and award a contract for the provision of public health funerals as detailed in section 3 of this report.
- b) The procurement exercise will commence in August 2019 and conclude by December 2019. The contract will commence in January 2020 and expire in December 2023 with the option to extend for a further 2 years.
- c) The Deputy and Estates Team will implement this decision directly after it has been taken.

1. Purpose of this report

- 1.1 To seek approval to tender for and award a contract for the provision of state funded funerals.
- 1.2 The report seeks to follow a procurement exercise to award a contract for a 3 year period from January 2020 with the option to extend a further 2 years.

2. Background information

- 2.1 Leeds City Council has a legal duty under section 46 of the Public Health (Control of Disease) Act 1984 to cause to be buried or cremated the body of any person who has died or been found dead in our area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.
- 2.2 There is an on-going need to provide funeral provision under Section 46 of the Public Health (Control of Disease) Act 1984. The Deputy & Estates team within Adults and Health are responsible for the payment of funeral costs for local authority funded public health funerals until monies can be sought from the deceased persons estate

- 2.3 For the financial year 2018/19 the gross expenditure totalled £84,261.15 for 45 funerals. It is too early to state the net expenditure as reimbursements from the deceased estates are still ongoing.
- 2.4 Due to an administrative error, the previous contract with Funeral Services t/a Co-Op Funeralcare Ltd was allowed to expire. An interim contract has been put in place until 31st December 2019, in order to allow a procurement process to take place to procure a new contract.

3. Main issues

- 3.1 This procurement exercise is required in order to ensure Leeds City Council meets its statutory obligation under section 46 of the Public Health (Control of Disease) Act 1984 to cause to be buried or cremated the body of any person who has died or been found dead in our area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.
- 3.2 Approval to tender for a funeral contract will ensure the council is receiving best value for money and will eliminate the need for future waivers and off contract spend.
- 3.3 Undertaking a full procurement exercise will provide an opportunity to review our specifications of the services offered by funeral providers and enable us to consider the arrangements within the contract and what provides Best Value.
- 3.4 Leeds City Council would have no alternative but to pay for full cost funerals with a wider range of providers. This would potentially double the cost to the Council. Any monies recovered are dependent upon how much, if anything, is available in the deceased's estate.
- 3.5 There has been a delay to the start of the procurement process as an option to jointly procure with the NHS was discussed. The NHS decided against a joint procurement exercise, therefore the Council has no other option but to procure its own contract. Currently there are no frameworks available for the Council to use, although some may be introduced in the future. The procurement exercise will be fully compliant with the Public Contracts Regulations 2015 and will follow the open OJEU procedure.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation will take place with a selection of staff across Adults and Health in order to agree on the requirements of the future contract.
- 4.1.2 Consultation will also take place with neighbouring authorities to identify average costs and specifications to enable us to obtain comparisons and assist us in our decision making process.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An Equality Impact Assessment Screening Tool has been completed in relation to this decision and is attached for information and there are no issues to be addressed.

4.3 Council policies and the Best Council Plan

4.3.1 Leeds City Council has a legal duty under section 46 of the Public Health (Control of Disease) Act 1984 to provide public health funerals.

Climate Emergency

4.3.2 It is not believed that the proposed decision is likely to have an impact, either positive or negative, on carbon emissions and the climate emergency, however this will be reviewed as part of full procurement process. The potential climate-related effects of both cremations and burials will be considered through the procurement process in order to minimise the impacts caused through the course of this contract. However, section 5(3) of the Public Health (Control of Disease) Act 1984 prevents a local authority from causing a body to be cremated where there is reason to believe that it would be contrary to the wishes of the deceased.

4.4 Resources, procurement and value for money

4.4.1 The overall contract is valued at approximately £100k per annum.

4.4.2 The finance for this contract is contained within the current Adults and Health budget.

4.4.3 Reimbursement for the cost of funerals are sought from a deceased persons' estate. In 2018/19 45 Public Health Funerals took place in Leeds and of these an average of 36% of the costs were recovered.

4.5 Legal implications, access to information, and call-in

4.5.1 Due to the value of the contract this is a key decision which is subject to call in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.

4.5.2 As the value of the procurement is above the EU threshold the tender procedure will be conducted in accordance with the Council's Contract Procedure Rules (CPR 10.1 and 10.2) and the Public Contracts Regulations 2015 by following the Open procedure.

4.6 Risk management

4.6.1 Leeds City Council would have no alternative but to pay for full cost funerals with a wider range of providers. This would potentially double the cost to the Council.

5. Conclusions

5.1 Approval will give the service an opportunity to explore a procurement exercise for the provision of public health funerals. The current contract concludes at the end of December 2019.

6. Recommendations

6.1 The Director of Adults and Health is recommended to approve a procurement exercise to tender for and award a contract for the provision of public health funded funerals as detailed in section 3 of this report.

- 6.2 The procurement exercise will commence in August 2019 and conclude by December 2019. The contract will commence in January 2020 and expire in December 2023 with an option to extend a further 2 years.
- 6.3 The Deputy and Estates Team will implement this decision directly after it has been taken.

7. Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.